

**LAKE COUNTY BOARD of ADJUSTMENT**  
**June 8, 2016**  
**Lake County Courthouse Commissioners Office (Rm 211)**  
**Meeting Minutes**

**MEMBERS PRESENT:** Sue Laverty, Steve Rosso, Don Patterson, Merle Parise

**STAFF PRESENT:** Jacob Feistner, Lita Fonda, Wally Congdon

Sue Laverty called the meeting to order at 4:00 pm

Minutes were deferred.

**STRAINER CONDITIONAL USE—SWAN SITES (4:01 pm)**

Jacob Feistner introduced James Strainer, the applicant, and Lyndon Steinmetz, the agent. He presented the staff report. (See attachments to minutes in the June 2016 meeting file for staff report.)

James Strainer thought that Jacob covered the situation and declined to make additional comments.

*Public comment opened:* None offered. *Public comment closed.*

Steve asked about the gravel path planned to the lake across the steep portion of the property. Did Swan Sites Zoning have something on that disturbance or a conditional use or variance for that walkway? Jacob replied no, they were allowed to do that. They just couldn't build on slopes of 25%. Steve checked for additional hard surfaces that might have been forgotten for impervious surface calculation that would go beyond the 43%. James said they planned to use gravel for the drive and walkways.

Sue asked why they would cut down the mature trees on the lot and then come in with another landscape plan with much reduced plants. James replied some of the mature trees were in the site of the home. Of the other large trees in the area, one blew over, one died, 1 was removed and one was left. They cut out a dead cedar in the dock area. You couldn't see the lake from the deck of the old house. Sue noted the landscape buffer plan specified 5 small aspens. Some coniferous trees were mentioned but she didn't see them on the landscape plan. Some native common shrubs were also mentioned. This opened up degradation to the lake because of the amount of vegetation removed from the lakefront part of the lot, which was a concern. Nothing seemed to be removed from the sides, which left a nice vegetative buffer between property owners. She suggested beefing up the buffer zone that had been removed. James asked about the definition of vegetation. Sue referred to the landscape plan and vegetation in there of a mix of mature trees, new trees and shrubs. James said there was no real 'grass' grass, there was just the native grass, which was still growing. Sue said there were shrubs and trees too. James said they primarily took out stuff in the 50 to 70 foot area [from lakeshore]. The hillside was what really got trimmed out. Sue said it was now a clear shot right down to the

water. She would like to see more emphasis on the vegetative buffer strip through the Planning Dept. James pointed to the house his family just left, 3 doors away from this property. It showed how they landscaped their property. He thought they'd be proud to be living in the community when they got finished.

Jacob asked Sue if she had suggestions on what she thought would be reasonable. Sue wanted to know what conifers were on the landscape plan. She mentioned more shrub material as well to help keep that in. Steve said in summary, a vegetative buffer. Jacob appreciated that. He looked at the design in the regulations, which said it would consist of a mixture of trees, shrubs, tall grasses and forest duff and leaf litter. [The plan] seemed to have those portions in the designs. If they needed to beef it up, that was reasonable in view of the circumstances, given a specific direction on that. Sue clarified this was a comment rather than specific direction. This would be a beautiful home and the Strainers did quality work. She just felt the landscape plan should reflect that as well.

James said they hired John Robinson to do the landscape, and he would probably do the landscape plan itself. They knew it had to be put in so they would do it. Jacob observed the coniferous trees in the legend. He didn't see them in the site plan. Did they intend to put some in? James said they didn't like the clearcutting but they did it to start over again. There was virtually nothing in the 20-foot vegetation strip to begin with. They would put that back where it would look a lot better than before. Steve asked if work had been done within 20 feet of the lake and if there had been a lakeshore permit. Jacob replied some vegetation was removed on the entire eastern portion of the lot. The work was done without a permit. Staff became aware of it and worked with James Strainer to get a permit issued. Part of the permit conditions for taking the vegetation away was that this landscaping plan would be done to get it back to at least having a vegetative buffer again to stabilize the soils. If he had applied for a permit prior to the work, he likely would not have been allowed to take as much as he did. Steve thought leaving the native vegetation in place was the best solution and balancing what needed to be taken out in order to develop some other kind of thing.

Merle asked how many aspen trees would be added. They proliferated. James said he'd have to check with John Robinson. They could put something else. Steve thought aspens were popular because they grew fast and matured quickly. Sue mentioned that birches were more native to this area except they suffered from more disease. James said he liked birches. Sue pointed out it was reasonable to ask for mitigation of the removal of the vegetation in a stronger way. It was also within the 50-foot area. James said the removal of vegetation was minimal to the 20-foot line. More was removed up at the 70-foot line where the slope was. They would put more back in than there had been.

Steve said because of the steep slopes, the overall percentage of the total lot for impervious surface wasn't necessarily high. Since much of the lot wasn't buildable, the 43% of the buildable portion resulted in 18% of the total lot. There was a lot of open ground to absorb stormwater and filter things. The plant roots did the filtering and needed to be at varied depths in the soil. Those used the nutrients out of the stormwater and kept the nutrients out of the lake where they would grow algae. He suggested they

impress on the landscape contractor to keep in mind that they wanted a good working buffer while planning and selecting plants. A lot of landscapers expected owners to want lawn without talking to them about the benefits of having a buffer with a variety of vegetation. If owners understood the purpose of having a good variety of native plants, they were willing to do that. James said he wasn't a fan of grass.

**Motion made by Steve Rosso, and seconded by Don Patterson, to approve the conditional use and accept the findings of fact. Motion carried, three in favor (Steve Rosso, Don Patterson, Merle Parise) and one abstention (Sue Laverty).**

**BROWNE CONDITIONAL USE—FINLEY POINT (4:22 pm)**

Jacob Feistner introduced agent Jack Nordberg and presented the staff report. (See attachments to minutes in the June 2016 meeting file for staff report.)

Steve asked about existing lakeshore development on the parcel. Jacob described a retaining wall. They had applied for a lakeshore permit to put in the patio and the rest. The retaining wall required a Tribal permit, which had been obtained. Steve asked about the stairs. Agent Jack Nordberg talked about the stairs, which were on a Tribal permit. The Tribe actually came up with the stairs situation. Half was natural beach there that they were trying to preserve. Stairs or obstructions straight into the lakebed caused an eddy effect and they were concerned about washing out the beach. The Tribe let them go out further than their 3-foot zone and turn the stairs, which helped the waves break and not create that eddy effect. They hoped the fines would wash through and create more of that beach area that they'd lost through the years. It was pretty sandy there. There was no retaining wall on that side. Steve thought they would still lose some beach. The end of a retaining wall was a real problem. Jack said the Tribe said to give this a shot. If it didn't work, they would end up doing more retaining wall next year. It was retaining wall from the back side of the stairs to the state parks. The Tribe let them put some big rocks in there to hopefully break the wave action.

Merle asked about wind effect. Jack said the wind came from the south. The state park hung out so far that [the property] was pretty [protected]. They got hammered when the wind was from the northwest. He pointed to the neighbors, their retaining wall and where sand was building up.

Steve pointed to a path that seemed to be for access to the lower area and for the construction work. Jack confirmed and added that power was put under the path. It was the least slope they could have. Switchbacks didn't work, which he and Steve talked about. It was steeper than they wanted but they found it to be the best option, which Jack described. The path was installed in the early spring. Steve asked about rain. Jack said he watched it. There'd been very limited erosion from the trail. Steve asked if they might need water bars in the trail. Jack said it was rocky and sandy. The water was soaking through. The shop behind that was on a big rock. Now they were more into sandy rock. Carstens had been out to look at the water retention plan. They did the permitting on it. That was part of the reason he missed the slope area. Carstens had done

the permitting and designing then came to him with a plan. He hadn't realized you couldn't disturb that slope on Finley Point.

Steve asked about more development. Jack said they had a dock permit, which was almost in, and described the location near where the patio was planned. The power was intended for things like lights and charging the battery. They wanted the natural vegetation. They'd owned the property for a long time but hadn't used it much. Their great grandfather gave property to the State for the park. They had a legal easement through the park to drive down to access the lower part of the property. It happened so long ago that they weren't sure of the legalities. It might turn into a mess. The State had changed that path. Steve agreed that they needed to have [their own] path there. Jack thought it was 6 feet wide. They would probably have blue grass on it and probably have something like a golf cart or 4-wheeler. It wasn't pickup-worthy. Steve asked about the access to the path around the house. Jack described the setbacks. They could get around the house with a mower or golf cart. Steve confirmed with Jack that a paramedic with a gurney could get down to the lake. Jack said they hoped to have a key from the State to use when the park was closed. They'd see how that worked.

Steve asked if they were comfortable with the 36% grade on the path. Jack said they had hoped it would be less but it didn't work. If you used switchbacks, you had a monster cut and needed a 10-foot loop, huge retaining walls and a lot of cut and fill. They just wanted access.

*Public comment opened: None offered. Public comment closed.*

Steve pointed to pg. 14, #5 in the findings. He proposed adding a sentence: *"Adequate access to the property for police, medical emergencies and fire protection will be improved by proper construction and maintenance of the proposed walkway."*

**Motion made by Steve Rosso, and seconded by Merle Parise, to approve the conditional use along with findings of fact with the suggested amendment. Motion carried, all in favor.**

**OTHER BUSINESS (4:42 pm)**

Planning staffing was very briefly touched upon.

**Sue Lavery, chair, adjourned the meeting at 4:45 pm.**